

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF RIVERVIEW,

Plaintiff,

CASE NO. 18-11370
HON. DENISE PAGE HOOD

v.

OPERATING ENGINEERS LOCAL
324 PENSION FUND,
JOHN STICKEL,
JOHN DOE,
INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 324,

Defendants.

/

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Elizabeth Stafford's Report and Recommendation filed November 14, 2019 [ECF No. 31] on Defendant Operating Engineers Local 324 Fund's ("the Fund") Motion for Costs [ECF No. 23] and on Defendant International Union of Operating Engineers Local 324's ("the Union") Motion for Attorney Fees [ECF No. 24]. To date, no Objections have been filed to the Report and Recommendation, and the time to file such has passed.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo*

determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.” § 636(B)(1)(c). To preserve the right to appeal the Magistrate Judge’s recommendation, a party must file Objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Considering relevant caselaw, the Magistrate Judge rejected all of Plaintiff City of Riverview’s proffered arguments and found the Fund and the Union’s request for attorney’s fees reasonable. After reviewing the Magistrate Judge’s Report and Recommendation, the Court finds that the Magistrate Judge’s findings and conclusions are correct.

Accordingly,

IT IS ORDERED that the Report and Recommendation [ECF No. 31] **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that the Fund's Motion for Costs [#23] and the Union's Motion for Attorney Fees [#24] are **GRANTED**.

DATED: March 23, 2020

s/Denise Page Hood
Chief Judge, United States District